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10 *Attorneys for Plaintiff*

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 EDIE GOLIKOV, individually and
14 on behalf of all others similarly
15 situated,

16 *Plaintiff,*

17 v.

18 WALMART INC.,

19 *Defendant.*
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Case No. 2:24-cv-08211-RGK-MAR

**DECLARATION OF RICK LYON IN
SUPPORT OF PLAINTIFF'S
RESPONSE TO WALMART'S
MOTION TO CLARIFY OR TO
DECERTIFY CLASS**

Date: July 28, 2025

Time: 9:00 a.m.

Ctrm.: 850

Assigned to the Hon. R. Gary Klausner

Complaint filed: September 24, 2024

DECLARATION OF RICK LYON

I, Rick Lyon, declare and state as follows:

1. I am a member in good standing of the bar of the state of California and a partner in the law firm of Dovel & Luner LLP. I represent Plaintiff Edie Golikov in the above-referenced matter and am lead counsel for Ms. Golikov in this matter.

2. After the Arbitration Order (Dkt. 81), the parties discussed its implications. It was clear that the parties' views differed, and we required clarification from the Court. Walmart maintained that the class had been sub silentio decertified by the Court's Arbitration Order. We maintained that the class claims remain intact and that we should be permitted to substitute in a substitute class representative. Because both parties sought clarification, we discussed possible ways to present this request for clarification to the Court. It was decided that Walmart would set forth its requested clarification in its motion to clarify or decertify, and we would set forth Plaintiff's requested clarification in response to the motion.

3. During our meet and confers, I further informed counsel of my pre-planned vacation with my family, and counsel agreed to notice the hearing date so that time for Plaintiff's response would not conflict with my family trip. But when Walmart filed its motion, counsel noticed the hearing date 28 days out instead of 35 days out, which inadvertently created the conflict we sought to avoid. *See* Judge Klausner's Standing Order at 3, para 6 ("the notice of motion shall be filed with the Clerk not later than twenty-eight (28) days, and no earlier than thirty-five (35) days, before the date set for hearing). Walmart's counsel therefore agreed to re-notice the hearing date for a week later, i.e., 35 days from the filing of the motion instead of 28 days (from July 28 to August 4). *See* Dkt. 83 (Amended Notice). The parties believed that the re-noticed hearing date was permissible (it still fell within the 28 to 35 day range required by the Court's Standing Order) and would automatically

1 move back the deadline for Plaintiff's response by one week (from July 7 to July
2 14). See C.D. Cal. L.R. 7-9 (opposition papers due 21 days before designated date
3 for hearing). This past Friday, however, the Court struck the Amended Notice, and
4 retained the original July 28, hearing date. Dkt. 85. Although the original response
5 deadline had passed by this time, we are filing this response the very next business
6 day.

7 4. Based on the Court's Order striking the Amended Notice, it appears
8 the better course to effectuate the parties' agreement would have been for Walmart
9 to withdraw its original motion (with the July 28, hearing date) and re-file the
10 amended motion (with the August 4, hearing date) instead of just filing the amended
11 notice of motion. But the parties made a good faith effort to comply with what they
12 understood to be the proper way to push back the briefing schedule by one week.
13 We respectfully request that Plaintiff's response be fully considered by the Court in
14 light of the foregoing explanation. *See, e.g., Ryan v. Editions Ltd. W., Inc.*, No. C
15 06-04812 PVT, 2009 U.S. Dist. LEXIS 70853, at *3 (N.D. Cal. Aug. 10, 2009)
16 (granting like relief when counsel incorrectly "believed that the parties could
17 stipulate to change the hearing date"). *Ahanchian* is also instructive. There, the
18 Ninth Circuit held that it was an abuse of discretion not to extend the briefing
19 deadlines that allowed for "a mere eight days, three over the Labor Day weekend, to
20 draft [the] oppositions to the motions" while counsel "were out of town."
21 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1256, 1259 (9th Cir. 2010).
22 Similarly, here, before re-noticing the hearing date, Plaintiff's counsel was provided
23 with a mere seven days, three of which were over the Independence Day weekend,
24 while counsel was out of country.

25 5. Attached as Exhibit 1 is a true and correct copy of the Declaration of
26 Tommy Reed, Walmart's Merchandising Director, filed on May 8, 2024 in *Hawkins*
27 *v. Walmart Inc. et al.*, No. 1:24-CV-00374-KES-SKO in the Eastern District of
28 California.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed this 14th day of July, 2025, at Santa Monica, California.

Rick Lyon:

A handwritten signature in black ink, appearing to read "Rick Lyon", is written over the line following the name "Rick Lyon:".

EXHIBIT 1

JACOB M. HARPER (State Bar No. 259463)
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HEATHER F. CANNER (State Bar No. 292837)
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Attorneys for Defendant
WALMART INC.

IN THE UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW HAWKINS, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

WALMART INC., a corporation; and DOES 1
through 10, inclusive,

Defendant.

Case No. 1:24-CV-00374-KES-SKO

**DECLARATION OF TOMMY REED IN
SUPPORT OF DEFENDANT WALMART
INC.'S OPPOSITION TO MOTION TO
REMAND**

***[Opposition to Motion to Remand filed
concurrently]***

Date: June 10, 2024
Time: 1:30 p.m.
Dept.: Courtroom 6

Assigned to the Hon. Kirk E. Sherriff

Action Filed: February 20, 2024
Action Removed: March 29, 2024

DECLARATION OF TOMMY REED

I, Tommy Reed, declare and state as follows:

1. I have been employed by Walmart Inc. (Walmart) for 27 years. I am a Merchandising Director. In this capacity, my responsibilities include general supervision of a variety of customer products, including Great Value Avocado Oil, that are offered for sale by Walmart in stores and online. In my role I have knowledge of and involvement in record keeping, sales information, and other information that assists Walmart in meeting customer demand for Great Value Avocado Oil and other products.

2. Based on my job responsibilities, I am familiar with Walmart's recordkeeping for the products it offers for sale to consumers. Walmart, in its ordinary course of doing business, keeps and maintains records of its products and sales. Those records are made by or from information transmitted by a person with knowledge of the event described therein at or near the time of the event described and are kept in the ordinary course of the regularly conducted business activity of that person and Walmart, and it is the regular practice of Walmart to make such records. The matters stated herein are true as to my own personal knowledge and, if called as a witness, I could and would testify competently to the information set forth herein.

3. I have access to Walmart's business records relating to its sales and products, and have reviewed records necessary to provide the information in this declaration. Based on information from Walmart's sales database, Walmart has generated more than \$3,000,000 in sales revenue from the sale of Great Value Avocado Oil in California brick-and-mortar stores from February 29, 2020, through February 29, 2024. This number represents the aggregate purchase price paid by consumers for sales of Great Value Avocado Oil in California brick-and-mortar stores from February 29, 2020, through February 29, 2024.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct to the best of my knowledge and belief.

3 Executed this 7th day of May, 2024, at Bentonville, Arkansas.

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5 Tommy Reed

6 Tommy Reed
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